



Commission on Peace Officer Standards and Training

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Date: December 6, 2016

Bulletin: No. 2016-21

Subject: **Revision of POST Peace Officer Selection Requirements – Peace Officers Returning to Same Department within 180 Days of Voluntary Separation**

On October 31, 2016, the Office of Administrative Law approved the attached changes to Commission Regulations 1950 (Selection Requirements) and 1953 (Background Investigation). The underlined text becomes effective **January 1, 2017**.

The POST Peace Officer Selection Requirements are contained in Commission Regulations 1950-1955. Current regulations require that a peace officer who returns to a department after a break in service of any length must undergo, at a minimum, an updated background investigation and new medical and psychological evaluations prior to rehire.

The approved regulations remove POST-imposed screening requirements for peace officers who return to their department within 180 days of a voluntary separation. These changes will allow law enforcement hiring authorities, who have extensive, first-hand knowledge of their recently-separated officers, to determine for themselves the assessments necessary to ensure that those officers meet the minimum standards imposed by [California Government Code §1031](#).

A list of FAQs and resources are included in the attachment. This list may be expanded upon, as necessary. Additional questions regarding these revisions may be directed to Personnel Selection Consultant Melani Singley at (916) 227-4258 or melani.singley@post.ca.gov. Questions regarding compliance with these requirements can be directed to your POST [Regional Consultant](#).

MANUEL ALVAREZ, JR.
Executive Director

Attachment

Peace Officer Selection Standards
Regulation(s) 1950 and 1953
UNDERLINED REVISED TEXT (eff. January 1, 2017)

§ 1950. Peace Officer Selection Requirements

(a) Peace Officer Selection Requirements

The purpose of these regulations is to implement the minimum peace officer selection standards set forth in California Government Code section 1031 and as authorized by California Penal Code section 13510. Peace officer training requirements are addressed separately in Commission Regulations 1005 and 1007. All POST documents and forms mentioned in these regulations are available on the POST Website.

(1) Every POST-participating department and/or agency (hereinafter referred to as "department") shall ensure that every "peace officer candidate," as defined in subsection 1950(b), satisfies all minimum selection requirements specified in the following regulations unless waived by the Commission on a case by case basis. Statutory requirements in these regulations cannot be waived by the Commission.

- Reading and Writing Ability Assessment (Regulation 1951)
- Oral Interview (Regulation 1952)
- Background Investigation (Regulation 1953)
- Medical Evaluation (Regulation 1954)
- Psychological Evaluation (Regulation 1955)

(2) All requirements specified in these regulations shall be satisfied **prior to the date of employment**. For purposes of these regulations, "date of employment" is defined as date of appointment as a peace officer or, at the department's discretion, the date the candidate is hired as a trainee and enrolled in a POST-certified basic course.

(b) Peace Officer Candidate Definition

For purposes of these regulations, a "peace officer candidate" is any individual, regardless of rank or Penal Code classification, who applies for a peace officer position with a POST-participating department, regardless of the individual's prior law enforcement experience either at that department or at a different department within the same city, county, state, or district.

(c) Exceptions

For purposes of these regulations, peace officers described in this section are not considered "candidates" and are therefore exempted from Regulations 1951-1955.

(1) The department has sole responsibility for determining what, if any, assessments are necessary for a peace officer who:

Peace Officer Selection Standards
Regulation(s) 1950 and 1953
UNDERLINED REVISED TEXT (eff. January 1, 2017)

(A) Changes peace officer classifications, such as from reserve officer to regular officer, within the same POST-participating department if documentation is available for inspection verifying that all current minimum selection requirements were previously met, and the peace officer has worked continuously for the department since the time of initial appointment.

(B) Is employed by a department that, through reorganization, is merged with another department within the same city, county, state, or district, if documentation is available for inspection verifying that the officer was hired in accordance with the POST requirements in effect at the time of hire.

(C) Is reappointed to the same POST-participating department within 180 days of voluntary separation.

[1950(c)(2) – 1950(d) ... continued]

§ 1953. Peace Officer Background Investigation

[1953(a) – 1953(e) ... continued]

(f) Background Investigation Updates

(1) Eligibility

(A) If a peace officer candidate was initially investigated in accordance with all current requirements and the results are available for review, a background investigation update, as opposed to a complete new background investigation, may be conducted for either of the following circumstances:

1. The peace officer candidate is being reappointed to the same POST-participating department. Per Regulation 1950(c)1(C), a background investigation update on a peace officer who is reappointed within 180 days of voluntary separation is at the discretion of the hiring authority.~~or~~
2. The peace officer candidate is transferring, without a separation, to a different department; however, the new department is within the same city, county, state, or district that maintains a centralized personnel and background investigation support division.

(2) Update Requirements

(A) A new personal history statement [Regulation 1953(c)] with updated information covering the period from the last personal history statement to the current date shall be completed by the peace officer candidate.

Peace Officer Selection Standards
Regulation(s) 1950 and 1953
UNDERLINED REVISED TEXT (eff. January 1, 2017)

(B) The department shall conduct investigations of all new information reported by the candidate on the new personal history statement.

1. For candidates reappointed to the same department per Regulation 1953(f)(1)(A)1., the new background investigation shall cover the period since the candidate separated from the department.

2. For candidates transferring, without a separation, to a different department within the same city, county, state, or district per Regulation 1953(f)(1)(A)2., the new background investigation shall cover the period since the date the previous background investigation was completed.

(C) Any area of investigation for which there is updated information shall be addressed in the updated background investigation. This shall minimally include a new: 1) Local Criminal Record Check, 2) State and National Criminal Check, unless there is written attestation that the candidate was never removed from the department's peace officer files of the DOJ or FBI, 3) Driving Record Check, and 4) Credit Record Check.

(D) Updated background investigation documentation shall be maintained with the initial background investigation documents.

(E) If the original background investigation was conducted within one year from the date of reappointment, it is not necessary to update criminal record checks, driving record check, or credit check.

[1953(g) through 1955... continued]

Commission Regulations 1950(c)(1) and 1953(f)(1)
EXEMPTION FOR PEACE OFFICERS RETURNING TO THE SAME DEPARTMENT
AFTER A VOLUNTARY SEPARATION OF NO MORE THAN 180 DAYS
Frequently Asked Questions and Additional Resources

FAQs

Q1: If a person is laid off from employment as a peace officer, but hired back within 180 days, is that considered a voluntary separation?

A1: Laid off peace officers are not considered a voluntary separation, thus they would need to meet the requirements outlined in Commission Regulations.

Q2: Will POST conduct compliance reviews of those officers who were hired back within 180 days after a voluntary separation?

A2: No.

Q3: Are fingerprint checks required for officers returning within 180 days of a voluntary separation?

A3: It depends. Fingerprints do not need to be resubmitted if the officer was never removed from the department's peace officer files of the DOJ or FBI.

Q4: What happens if we no longer have the officer's background file?

A4: Departments should work closely with their HR department and legal counsel to determine what records are necessary to ensure the officer's compliance with the Government Code and any other state or federal laws.

Q5: Does this regulation apply to department-hired recruits/trainees who voluntarily leave a basic academy and return within 180 days?

A5: Recruits/trainees are not sworn (appointed) peace officers, thus this regulation does not apply.

Q6: Is there an equivalent regulation for dispatchers returning to the same department within 180 days of voluntary separation?

A6: There is no equivalent regulation for dispatchers.

STATE AND FEDERAL EMPLOYMENT RESOURCES

California Department of Fair Employment and Housing (DFEH)

- Employment Practices - [Government Code §12940, et seq.](#)

California [Labor Code § 430, et seq.](#) – Criminal Records

Federal Equal Employment Opportunity Commission (EEOC)

- [Background Checks: What Employers Should Know](#)
- [ADA Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations](#) (.pdf)